

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA and
STATE OF NEW MEXICO, *ex rel.*
STATE ENGINEER,

Plaintiffs,

and

CV 01-0072 MV/JHR

ZUNI INDIAN TRIBE, NAVAJO NATION,

ZUNI RIVER BASIN
ADJUDICATION

Plaintiffs in Intervention,

v.

Subfile No. ZRB-1-0148

A & R PRODUCTIONS, *et al.*,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

This matter comes before the Court on subfile ZRB-1-0148 and Norma Meech's Corrected Motion to Certify Questions to the New Mexico Supreme Court [Doc. 3488] and Magistrate Judge Jerry H. Ritter's Proposed Findings and Recommended Disposition [Doc. 3532], filed November 12, 2021, which recommends denying the Motion to Certify. [*See id.*]. The Magistrate Judge's recommendation, issued pursuant to 28 U.S.C. § 636(b), carries no presumptive weight. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations” made therein. 28 U.S.C. § 636(b)(1). In the event of timely written objections by any party, the Court is required to conduct a de novo review. *Id.*; *In re Griego*, 64 F.3d 580, 584 (10th Cir. 1995). However, “[i]n the absence of a timely objection, the district court may review a magistrate’s report under any standard it deems appropriate.” *Summers v. Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citing *Thomas v. Arn*, 474 U.S. 140, 150

(1985)).

The proposed findings notify the parties of their ability to file objections and that failure to do so waives appellate review. [Doc. 3532, p. 7]. To date, neither party has filed objections to the Magistrate Judge's recommendation. The Court has carefully reviewed the proposed recommendation and agrees with the Magistrate Judge's conclusion that the Motion to Certify should be denied.

Wherefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 3532] is **ADOPTED**; and
2. Defendant Norma Meech's Corrected Motion to Certify Questions to the New Mexico Supreme Court. [Doc. 3488] is **denied**.



Michael J. Hegarty
UNITED STATES DISTRICT JUDGE